

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, FEBRUARY 8, 2012 – 6:30 P.M.  
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA**

<b>Board Members</b>	<b>Attendance</b>	<b>Cumulative Attendance 6/2011 through 5/2012</b>	
		<b>Present</b>	<b>Absent</b>
Diana Waterous Centorino, Chair	P	7	1
Michael Madfis, Vice Chair	P	6	2
Caldwell Cooper	P	8	0
Karl Shallenberger	P	8	0
Henry Snizek	P	7	1
Fred Stresau	P	7	1
Birch Willey	P	8	0
<hr/>			
<b>Alternates</b>			
Roger Bond	P	4	0
Sharon A. Zamojski	P	7	1

**Staff**

Sharon Miller, Assistant City Attorney  
Yvonne Blackman, Secretary  
Gail Jagessar, Administrative Aide  
Anthony Fajardo, Acting Zoning Administrator  
Mohammed Malik, Chief Zoning Plans Examiner  
B. Chiappetta, Recording Secretary, Prototype Inc.

**Communication to the City Commission**

None.

**Purpose: Section 47-33.1.**

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

**Index**

	<b><u>Appeal Number</u></b>	<b><u>Applicant</u></b>	<b><u>District</u></b>	<b><u>Page</u></b>
1.	11-27	Thomas Tharrington	2	2
2.	12-06	Michael Gagne	2	5
3.	12-07	Alex Gheorghiu	1	6
4.	12-09	Ghassan Alhindi	3	8
		Communication to the City Commission		9
		For the Good of the City		9

**Call to Order**

Chair Centorino called the meeting to order at 6:30 p.m. She introduced Board members and determined a quorum was present.

**Approval of Minutes – January 2012**

**Motion** made by Mr. Cooper, seconded by Mr. Stresau, to approve the minutes of the Board's January 2012 meeting. In a voice vote, motion passed unanimously.

**Board members disclosed communications they had and site visits made regarding items on the agenda.**

**All individuals wishing to speak on the matters listed on tonight's agenda were sworn in.**

Index

1. **Appeal No. 11-27**

**APPLICANT:** Thomas Tharrington  
**LEGAL:** "Stilwell Isles", P.B. 15, P. 26, Block 2, Lot 2 Less N. 10.58 feet  
**ZONING:** RS-4.4 (Residential Single Family/Low Density District)  
**ADDRESS:** 308 Royal Plaza Drive  
**DISTRICT:** 2

**APPEALING: Section 47-5.30** (Residential Single Family/Low Density District)  
Requesting a variance to allow the height of the structure along the (North) side yard to extend 27 feet 3 inches where code states where a building exceeds 22 feet in height that portion of the building shall be set back an additional 1 foot per foot of building height above 22 foot.

**APPEALING: Section 47-3.2.B.1** (Nonconforming structure)  
Requesting a variance to enlarge a non-conforming structure, where code the Code states that a nonconforming structure may not be enlarged or altered in a way which

increases its nonconformity, but a nonconforming structure may be altered to decrease its nonconformity.

Mr. Stresau stepped down due to conflict - notice filed as required and Ms. Zamojski replaced him on the dais.

Annie Caruthers from Sky Studios Architecture, representing the applicant, explained that the flat roof was leaking in several places and they wished to replace it with a sloped one. Ms. Caruthers showed photos and drawings of the house and pointed out that the drawings indicated the top of the flat roof was 25 feet above the finished floor but their latest survey indicated it was 6 3/8" higher than the original drawings. She added that the drawings also referred to the roof as a parapet, which it was not, but it did have a drain to simulate a parapet.

Ms. Caruthers explained that the finished floor was above FEMA minimum height, which caused the house to lose 11" in total height. She stated the variance request incorporated this calculation and the parapet.

Ms. Caruthers reminded the Board that the purpose of the step-back was to maintain open space, and pointed out that the open space would be maintained by the parking lot for an adjacent property on the north side. She noted the request was only for the north side and would not increase interior ceiling heights. Ms. Caruthers said they would make every effort to limit the height to what was needed to add the sloped roof.

Ms. Caruthers said the existing non-conforming area was 4'6" over the required 22' and the additional required would be 6" to 14" higher than the existing roof.

Ms. Caruthers said all adjacent neighboring homeowners had provided letters of support for the variance request.

Mr. Cooper asked how the scupper drain affected the variance request. Ms. Caruthers stated this was the non-conforming part of the roof. She said approximately 25% of the roof would be encroaching.

Ms. Caruthers showed Mr. Willey where the roof would further encroach. Mr. Willey wanted to know what the height of the north wall would actually be. Ms. Caruthers said in a "worst case scenario" they would need an additional 5'8" total; they hoped to do it with less, but she did not have the engineering yet. She stated they would request 6'.

Mr. Madfis said 7' would be the maximum encroachment they would request but they might be able to engineer something less. He stated the original designer had taken the most advantage of the code at the time, and Mr. Madfis did not agree this was a hardship; it was "someone having bought a house that was already built to the maximum envelope of the code allowance." Mr. Madfis felt some of the proposed

design components could be questionable regarding design integrity. He said the solution to the existing flat roof was not necessarily a pitched roof and he did not see a hardship. Ms. Caruthers said the sloped roof would be more efficient in a residential application.

Ms. Caruthers confirmed for Mr. Sniezek that the request, as stated, was correct.

Ms. Zamojski agreed with Mr. Madfis that there were other solutions that could be explored, and said she did not support this request.

Chair Centorino opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

Mr. Fajardo clarified for Mr. Willey that any point over 22' required a variance. Mr. Willey said the plan showed a high point on the roof of 34'. Mr. Fajardo pointed out that the 34' height was not on the encroaching [north] side. He explained that the north side was closer to the property line.

Mr. Willey asked what percentage of the roof was affected and Ms. Caruthers stated approximately 70%.

Mr. Madfis discovered that some of the proposed elevations were incorrect.

**Motion** made by Mr. Madfis to approve. Motion died for lack of a second.

Thomas Tharrington, applicant, acknowledged that some clarification was needed and asked for another deferral to work on the presentation.

Mr. Shallenberger admitted he was confused and uncomfortable with the presentation and felt Ms. Caruthers had not done a good job of explaining the request. Mr. Sniezek agreed.

Mr. Willey wanted to grant a deferral to allow the applicant to work on the presentation. He asked staff to be prepared to explain why the variance was needed.

**Motion** made by Mr. Willey, seconded by Ms. Zamojski to defer for one month.

Mr. Fajardo suggested 60 days might be more appropriate.

Mr. Willey and Ms. Zamojski agreed to a 60-day deferral. In a voice vote, motion passed 7-0.

2. **APPEAL NO. 12-06**

**APPLICANT:** Michael Gagne  
**LEGAL:** "DIXIE PARK" P. B. 9, P 19, BLK 4, LOT 13 TOGETHER WITH  
S1/2 VAC, ALLEY ABUTTING SAID LOT  
**ZONING:** RMM-25 (Residential Multifamily Mid Rise/Medium High Density  
District)  
**STREET:** 827 NE 14 COURT  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 2

**APPEALING: Section 47-5.36** (Table of dimensional requirements the RMM-25 district)  
Requesting a variance to allow enclosure of an existing foundation for additional living space on an existing house with a 3 foot 6 inch side yard setback, where the Code requires a minimum 5-foot side yard setback.

Mr. Stresau returned to the dais and Ms. Zamojski stepped down.

Michael Gagne, applicant, said in July, he had received a variance to enclose a carport and pour a slab in the rear of the property that he planned to build on later. He said he was now ready to build on the slab.

Mr. Cooper said Mr. Gagne would not need the variance if the slab were set back another 1-½ feet. Mr. Gagne said moving the slab would close off the laundry room door and take away from the house's architecture. Mr. Gagne stated he needed the additional room for his foster children.

Mr. Madfis asked about the dashed line on the floor plan page 3 and asked if this was the ultimate plan. Mr. Gagne agreed it was and confirmed there would be 4 bedrooms including the master bedroom. The goal was to create a larger family/dining/kitchen area. Mr. Madfis asked why the addition could not be just a bit shorter so it would conform. He suggested the addition could be extended into the rear yard if more space was desired.

Mr. Gagne said they were planning a patio in the rear, and if he extended the addition there, he would need to move a door and reconfigure plumbing. He stated this design fit their needs better.

Mr. Gagne confirmed for Mr. Stresau that the slab had been approved but it had not been poured yet. Mr. Stresau said allowing this would be "pretty consistent with what we've done with other applicants." He felt it was the absolute minimum.

Mr. Madfis felt the addition could be reconfigured to conform and meet Mr. Gagne's needs.

Mr. Stresau said the roof overhang could be pulled back so it did not encroach any farther. Mr. Gagne said the truss company had already designed and built the trusses to match the roof overhang on the existing house.

Chair Centorino opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Stresau, seconded by Mr. Willey, to approve. In a roll call vote, motion passed 6-1 with Mr. Cooper opposed.

Index

**3. APPEAL NO. 12-07**

**APPLICANT:** Alex Gheorghiu  
**LEGAL:** "Coral Ridge Galt addition", P.B. 27, P. 46, Block 17, Lot 1  
**ZONING:** RS-4.4 (Residential Single Family Low Medium Density District).  
**STREET:** 2624 NE 23<sup>rd</sup> Street  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 1

**APPEALING: Section 47-19.5 (Fences, Walls and Hedges)**

Requesting a variance to an existing permitted wall to be located on the property line at a height of 6 feet, 6 inches, where the code requires a minimum 3-foot setback.

Alex Gheorghiu, applicant, said when the wall was originally built it was permitted to be on the property line. He said this was a security issue. Mr. Gheorghiu said two courses of block had already been applied to the wall.

Mr. Fajardo said the wall had been permitted encroaching into the right-of-way and Mr. Gheorghiu had inherited this when he purchased the property. Mr. Gheorghiu had gone before the Property and Right-of-Way Committee to rectify that situation and they had granted the dedication only up to the wall. This request was to address the additional three feet.

Mr. Gheorghiu said the variance applied to 256 lineal feet of wall along the street. He confirmed the existing wall would not be any taller when it was finished.

Mr. Shallenberger said Mr. Gheorghiu had not answered the questions on the form properly and Mr. Gheorghiu said Deborah Ratowski had directed him to fill out the form that way.

Mr. Stresau clarified that the variance was needed because Mr. Gheorghiu had built an additional 1-½ feet to the permitted height of the wall.

Mr. Madfis suggested a compromise such as wrought iron, which would be more aesthetically pleasing, or altering the design to create more light and air. Mr. Gheorghiu agreed to improve the design aesthetically, but noted he would still need the variance.

Mr. Cooper did not feel making the wall taller would increase security and agreed with Mr. Madfis' suggestion. Mr. Gheorghiu agreed to alter the design. Mr. Cooper suggested deferring the case to allow Mr. Gheorghiu time to present his new design. Mr. Stresau recommended 35% to 40% be changed. He noted that the three-foot setback was required to allow landscaping in front of the wall, and a large portion of Mr. Gheorghiu's wall already had landscaping better than what most people installed. He asked that the new site plan include the landscaped areas so the Board could include a provision in the variance that he and future owners must maintain that landscaping. Mr. Gheorghiu said he had discussed this with the civic association and he had planned to do landscaping as well.

Mr. Madfis agreed with Mr. Stresau and said if the applicant returned with a plan indicating the landscaping, the Board could specify that it must be maintained.

Chair Centorino opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

Chair Centorino asked if Mr. Stresau was suggesting that landscaping would be a substitute for altering the design of the wall. Mr. Stresau said he wanted Mr. Madfis to suggest a percentage of the wall that could be replaced with an "open fenestration" and they needed to see a drawing showing this. The new drawing should also indicate existing landscaping so this could be included in a motion to approve. Mr. Stresau suggested replacing 30% - 35% of the new part of the wall, and recommended concentrating on the curvilinear portion of the wall. He advised Mr. Gheorghiu to work with Mr. Fajardo. Mr. Madfis added that the open areas could be accented in certain areas, not the entire length of the wall. Mr. Gheorghiu remarked that removing parts of the wall would be very expensive. He requested deferral.

**Motion** made by Mr. Stresau to defer the application for 60 days. In a roll call vote, motion passed 6-1 with Mr. Cooper opposed.

4. **APPEAL NO. 12-09**

**APPLICANT:** Ghassan Alhindi  
**LEGAL:** "Lincoln Park First Add." Corr. P.B. 5, P.1, S.47.15 of Lots 22, 23 and 24, Blk 16  
**ZONING:** RS- 8 (Residential Single Family/Low Medium Density District)  
**STREET:** 629 NW 17th Avenue  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 3

**APPEALING: Section 47-3.1.B (Continuation of a nonconforming use)**

Requesting a variance to allow for the expansion of a non-conforming use, where the Code states that a nonconforming use shall not be enlarged or extended nor shall the building it occupies be enlarged, extended or rebuilt such that the use would occupy a greater area of land than was occupied by the use on the effective date (June 28, 1997) or amendment of the ULDR which causes the use to become nonconforming, nor altered in any way so as to extend or enlarge the scope or area of its operation and where Residential Single Family/Low Medium Density District (RS-8) does not permit nonresidential uses.

Ghassan Alhindi, applicant, said one-third of the building was a small efficiency that had been unoccupied for several years and had begun to deteriorate, so he had converted it into an office/storage area for the adjacent Too Quick Food Store, which had been open for 35 years.

Mr. Cooper asked staff why the variance was needed. Mr. Fajardo said prior to 1997 the property had been zoned B1C and it had become B1 after the rezoning. Research indicated that in 1962 this had been zoned non-residential. At one point, this had been properly zoned for commercial, but that had changed in 1997 to a residential zoning district. This was probably when the commercial use had been reduced to put in the efficiency.

Chair Centorino opened the public hearing.

Mickey Hinton stated the store building had been built in the 1940s and the zoning had been B3. At this time, the neighborhood had been zoned M1. Mr. Hinton said the area still had mixed zoning that needed to be corrected.

Joan Hinton said she had lived in the neighborhood for 60 years and the store had been there since she was a teenager. She said she supported the request and wanted to keep the store in the neighborhood.

Willie LaCue noted how important the store was to the neighborhood.



Joyce Young also noted how important the store was to the neighborhood.

Wanda Martin said there was a store in her neighborhood, but she patronized the Too Quick Food Store because the prices were better. She said it was a great help to the community.

There being no other members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

Mr. Fajardo confirmed that the change in use meant the property must now meet parking and site plan requirements. Mr. Fajardo said a parking reduction could be sought through staff level review, or on-street parking could satisfy the requirement. Mr. Madfis felt this was in conformance with the future development of the area and was appropriate in this community.

Mr. Willey had visited the store, and described the alterations Mr. Alhindi had made to the interior. He agreed the neighborhood needed this store. He noted it had more parking than most convenience stores in the northwest area. Mr. Willey supported the request.

**Motion** made by Mr. Willey, seconded by Mr. Madfis, to approve. In a roll call vote, motion passed 7-0.

**Communication to the City Commission**  
None.

Index

**Report and for the Good of the City**

Index

**Application Procedures**

Mr. Shallenberger was concerned that the Board had been presented with inaccurate plans for two of this meeting's applications. He was also concerned at the way the applications had been completed. He said staff should turn applications away when they were not completed properly.

Mr. Fajardo apologized for having missed the error on the plans, and said he had pointed it out this evening to the applicant. He agreed to speak to staff about how applicants filled out forms. He pointed out that staff could not hold up an application if the applicant wanted to go forward. Mr. Shallenberger remarked that the answers applicants put down did not properly answer the questions, so the application was not complete.

Chair Centorino said applicants should be aware that in order to be granted a variance, they must show a hardship. Mr. Fajardo stated applicants were told this "every single

time." Even after being advised that Mr. Fajardo could not see the hardship, applicants often wanted to go forward.

Mr. Madfis suggested staff have examples to show applicants the proper way to complete the application.

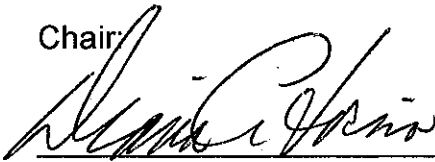
Richard Mancuso

Mr. Madfis said Richard Mancuso had passed away recently. He stated he was a great civic leader who brought a lot to the City. He was also a wonderful musician and artist.

Mr. Willey agreed with Mr. Madfis, and said the City would miss Mr. Mancuso.

There being no further business to come before the Board, the meeting was adjourned at 8:55 p.m.

Chair:



Diana Centorino

Attest:



ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.